

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1137 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 NO

BHARGAV DINAKERRAI RAWAL

Versus

THE STATE OF GUJARAT

Appearance:

MR SP HASURKAR for Petitioners
MR KT DAVE APP for Respondent No. 1
MR MINESH C DAVE for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 10/08/98

ORAL JUDGEMENT

RULE. Learned A.P.P. Mr.K.T.Dave waives service of Rule for Respondents Nos.1 and 2 and learned Advocate Mr. Minesh C.Dave for Respondent No.3. With the consent of the learned Advocates, the matter is finally heard and disposed of today itself.

2. By the present application, the applicants have challenged the validity of the proceeding initiated in the Court of the learned Judicial Magistrate, First Class at Limbdi under Criminal Case No.9 of 1998.

3. The learned Advocates do not dispute the fact that the learned Judicial Magistrate, First Class at Limbdi shall not have jurisdiction to entertain the complaint in view of the averments made in the complaint. In the circumstances, Criminal Case No.9 of 1998 pending in the Court of the learned Judicial Magistrate, First Class at Limbdi is hereby quashed. It is, however, clarified that it would be open to the complainant, that is, Respondent No.3, to present the same complaint to the court having jurisdiction to try the case. It would be open to the applicants to raise all the contentions before the concerned court if the applicants feel that the complainant has not made out a case against them. Rule is accordingly made absolute. Direct Service is permitted.

Sd/-

[KMG Thilake]

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